

Town of Wenham Conservation Commission Minutes

December 10, 2007

7:30 PM Senior Center

Commissioners Present: Patrick Wilson, Chair; Leo Maestranzi; Robert Burnett, Ken Whittaker, Malcolm Reid, Phil Colarusso

Also Present: Emilie Cademartori, Conservation Coordinator

7:35 Prior to Chairman Wilson's arrival, the meeting was begun to discuss administrative items by Commissioner Maestranzi. The meeting minutes of November 13 and 26 were accepted as written. An invoice for legal services from Miyares and Harrington was reviewed. There were questions as to why there are still charges related to the Sprint case, as it was thought to be complete. The coordinator will request an explanation prior to submitting the invoice for payment. 7:40 Chairmen Wilson arrived.

New Public Hearing

Request for Determination

15 R Juniper Street

Erosion control project in an existing paddock

Applicant Diane Pizzo

Commissioner Colarusso recused himself. Chairman Wilson opened the hearing. The applicant explained that the project will now be completed in the Spring due to the weather. The plans were clarified. A continuous berm of ¾ inch stone will be created along two edges of the paddock in the down slope corner. The purpose will be to decrease loss of soil/sediment from paddock surface, while allowing water to drain through. The remainder of the paddock will be planted at least annually with a paddock seed mix. Manure will be periodically scraped and stockpiled outside of the 100 foot buffer. The coordinator will incorporate the conditions into an Appendix. Commissioner Maestranzi made a motion to issue a negative determination with the discussed conditions; the motion was seconded by Commissioner Burnett and passed by a vote of 5-0.

Continued Public Hearing

Notice of Intent

Nelson Avenue, access from Beverly (off Dodge St) (DEP file # 326-0303)

Gravel driveway, culvert replacement, single family house and septic

Applicant: Matthew Power

Representative: John Dick, Hancock Associates

Matthew Power and John Dick were present. There was a site visit conducted 12/1/07 by Commissioner Whittaker and the coordinator. John Dick provided a revised narrative to the NOI and revised plans. He explained that the only update to the plans was the addition of hay bale check dams on either side of the driveway culvert, to be installed when the pipe is cleaned and checked for function. He explained that the pipe will only be replaced if it is damaged. It is currently pitched from the small wetland on the west side of the road (elevation 32.6) to the large A series wetland (elevation 32.1). Commissioner Whittaker asked if it made sense to install a larger pipe. Chairman Wilson wants the narrative to clarify what is proposed for the pipe. Commissioner Whittaker summarized his concerns, as he was not present for the original site visit. He is concerned about potential impacts to the vernal pools and also about the riverfront delineation. In order to accept the current line (which differs substantially from the 2000 ORAD), field data would need to be submitted. John Dick responded that the pools are only noted as potential vernal pools, they are not certified, and that all the activities except for the road maintenance are greater than 200 feet away. He also stated that the riverfront delineation is based on language in the state regulations and preface entailing the lack of woody vegetation and

presence of histosol soils. It was noted by members that this evidence was only presented verbally, and not supported in the written submission. The general consensus was that without more detailed field data, that the findings will state that no determination was made on the location of the riverfront as part of this Order, thereby requiring a future determination if any additional work is proposed for the site.

The driveway design was discussed. The elevation will be reduced slightly when it is graded to remove the existing ruts. New gravel will be applied to surface. No clearing will be required. Gas utility will be underground. Delivery method for electric service is undecided at this time (above ground vs underground). No drainage structures are proposed. These details need to be included in the narrative to consider the request for a waiver from the local bylaw performance standards for the location of the driveway and utilities, as they will be closer than 20 feet (and within 2 feet vertically) to the resource. The waiver can be granted if there is a "clear showing that the nature of the proposed work, special design measures, construction controls, or site conditions will prevent alterations of the" resource areas (10.58 (3)). Of particular concern is the potential vernal pool near the property entrance. Commissioners requested that all applicable methods for vernal species protection be applied (and detailed in the narrative).

Chairman Wilson asked for a clarification on the amount of proposed disturbance within land subject to flooding, noting that 11,800 sq feet is above the threshold in the performance standards for wildlife habitat protection. Mr. Dick responded that all of the disturbance is within the roadway where there is little to no vegetation and therefore presents no habitat issues. This will be addressed in the revised narrative.

There was some discussion on the long term protection of the vernal pools. The owner, Matthew Power, was asked if he would be willing to allow someone to certify the pools (at no cost to him). He agreed. Permanent field markers indicating a no disturb buffer around each of the pools were also discussed as a measure to ensure their protection.

John Dick will submit the requested supplemental information in time to be included in the packets for the next meeting.

There was a motion that the hearing be continued to 1/14. Motion passed 6-0. The coordinator will draft an order of conditions for discussion.

Discussion Items

- Open Space Plan update

The coordinator has begun the process. Mapping support from the GIS provider is being researched. The Essex county smart growth circuit rider has been contacted for support. The open space committee will need to be involved to some degree. Patrick will contact some of the prior members. The goal will be to have the revision complete in time for the state grant application deadline next July.

- Revisions to local regulations

Commissioner Whittaker will begin the process within the next 2 weeks to bring the local regulations in line with the updated bylaw. Also, the editorial changes to the bylaw have been submitted for the warrant for special town meeting January 22, 2008.

- Submitted budget request FY 2009- legal fees

A summary of legal expenses for the last three years was reviewed in order to determine if the proposed budget line item is adequate for FY 09.

- Seventh member recruiting

All members were encouraged to reach out to Wenham residents in an attempt to fill the vacancy on the board.

- Meeting calendar 2008

The calendar of meeting dates for 2008 was reviewed and approved.

Annual MACC conference will be held March 1. All members encouraged to attend. The coordinator will process the registrations and prepare a check request.

Motion to adjourn at 9:05.